



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,898	08/21/2003	Fujio Akahane	Q77091	6412
23373	7590	03/29/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			CRANE, DANIEL C	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

571

Office Action Summary	Application No. 10/644,898	Applicant(s) AKAHANE ET AL.	
	Examiner Daniel C Crane	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 13-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-11 and 22 is/are rejected.
- 7) ☒ Claim(s) 4,5 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3725

BASIS FOR REJECTIONS

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

REJECTION OF CLAIMS ON FORMAL MATTERS

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (1) As to claim 10, specifying that the "third recess is to have the dummy function" is contrary to the claimed subject matter of claim 1 since claim 1 specifies the second recess to have the dummy function. Accordingly, this subject matter is found indefinite and the scope of the subject matter is vague. (2) With reference to claim 22, it is unclear what part of the die is incorporated within the forging apparatus. Furthermore, since the male die of

Art Unit: 3725

claim 1 specifies “forging”, it appears that claiming “forging apparatus” and “male die” are duplicative. The scope of the subject matter is indeterminate.

REJECTION OF CLAIMS OVER PRIOR ART

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Almqvist (4,434,643). See Figures 2-4 where the second punches 11, 12 are situated at the end of the rows of the first punches 7.

Claims 1, 2, 6 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller (3,748,889). See Figure 1 where the first forging punches 24-32 are mounted between the second forging punches 22, 34.

Claims 1, 2, 3, 9 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Rork (2,835,960). See Figures 7-9 where the die 14 is provided with first forging punches (see Figure 9) for forming first recesses, which are defined as that area between the ribs 12 (Figure 5), in the plate and second forging punches 22a for forming second recesses, which are defined as that area between the ribs 34.

Claims 1, 7 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Sipila (6,167,739). See Figures 1, 4 and 5 for a showing of the die 30a with the first forging punches forming the recesses 12 and 13 and the second forging punches forming the recesses 11 and 14.

Claims 1, 2, 6 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumoto (6,681,612). See Figure 1 where the die 11 has a plurality of first and second forging punches provided on the surface 11a of the die 11. The recesses 2 define the punches.

Claims 3, 7, 8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (6,681,612). Matsumoto shows that the die 11 can have forging punches that are defined by recess 2 that can have same or different or varied spacing (column 4, lines 31-44) and recesses of varied thicknesses (column 5, lines 22-33). Accordingly, Matsumoto contemplates a number of different arrangements for the punches sizing and spacing. It is the examiner's position that the skilled artisan having the benefit of the concepts taught by Masumoto would have made obvious the provision of varying the thickness (gap) or spacing between the punches as the need arises. Clearly, spacing and sizing of the punches would have been determined based upon the desired shaping of the golf head.

INDICATION OF ALLOWABLE SUBJECT MATTER

Claims 4-5 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

WITHDRAWAL OF NONELECTED CLAIMS

Claims 13-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 28, 2005.

PRIOR ART CITED BY EXAMINER

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

RESPONSE BY APPLICANT(S)

Applicant(s) response to be fully responsive and to provide for a clear record must specifically point out how the language of the claims patentably distinguishes them from the references, both those references applied in the objections and rejections and those references cited in view of the state of the art in accordance with 37 CFR 1.111 (a), (b) and (c).

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is (571) 272-4516. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at (571) 272-4419.

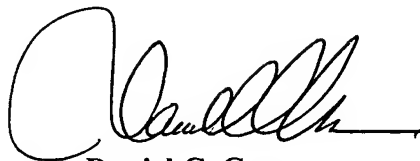
Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number (703) 872-9306. Applicant(s) is(are) reminded to clearly mark any

Art Unit: 3725

transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's

Fax number is (571) 273-4416.

DCCrane
March 24, 2005

A handwritten signature in black ink, appearing to read 'D. Crane', with a large, stylized initial 'D'.

Daniel C. Crane
Primary Patent Examiner
Group Art Unit 3725